

LOWER TOWAMENSING TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Thursday, November 9, 2023 at 7:00 p.m., Township Office
595 Hahns Dairy Road, Palmerton, PA 18071

Call to Order:

The meeting was called to order at 7:02 pm by Chairperson Angela Farrell.

Roll Call:

Officials Present: Angela Farrell, Gerry Madden, Steve Meining, Daniel Royer, Duane Dellecker- Zoning officer, Jim Milot - Township Engineer and Steven Dellinger – Hanover Engineering.

Minutes:

Mr. Meining made a motion to accept the Planning Commission Minutes from October 12, 2023. Ms. Farrell seconded the motion. All in favor, motion carried.

Business from Persons Present:

No Business.

New Business:

- Minor Subdivision – Dorthea, Tim & Kyle Strohl – 1180 Stoney Ridge Road
Hannover Engineering – Strohl Subdivision – Review Letter

Stephen Kerbacher, Jr. – Surveyor for Dorthea, Tim & Kyle Strohl.

Mr. Kerbacher, Jr. stated they have two lots totaling approximately 33 acres. He stated how there was two dwellings and numerous outbuildings on the two lots; along with the auto repair shop. Mr. Kerbacher, Jr. stated how Mr. Strohl wanted to combine the two lots and re-subdivide; to give a new building lot to the son and daughter-in-law to build a house. He stated how they propose to eliminate and reconfigure some of the lot lines. Mr. Kerbacher, Jr. stated how they did testing for the new lot and replacement testing for lot number two. He stated how lot number one and number two will have a shared access driveway and lot three will have its own new driveway. Mr. Kerbacher, Jr. stated how there was no new developments proposed for lot one or lot two. He stated how the only new construction will be for the building lot number three.

Mr. Dellecker stated how the zoning would have two issues with the proposal; 1) the dimensional requirements require a minimum lot width of 200 feet and lot one did not appear to meet that requirement; 2) the ordinance also requires that accessory structures be set back at least 10 feet from a side or rear yard line and an accessory structure on proposed lot two appears to be less than 10 feet from the rear lot line. Mr. Kerbacher, Jr. stated how lot one did have the minimum lot width of 200 feet. He stated how they also took into consideration of the buildings and made the adjustments which he showed on plans and will be resubmitted to the Township.

Mr. Kerbacher, Jr. stated to Mr. Milot how he would like clarification on the impervious coverage calculation. Mr. Milot stated how they would need a tabulation to see if they would need any storm water management. Mr. Kerbacher, Jr. stated how the new lot was approximately 5000 sq. ft. of impervious coverage. He stated how the property has a lot of shale and asked if that would be considered impervious or would that just consist of stone and concrete areas. Mr. Milot stated that if it was not compacted gravel and it was just open shale areas it would not be considered impervious, unless it was being used as a roadbed. Mr. Dellecker stated how that property has no topsoil and the shale was pretty much exposed.

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Mr. Kerbacher, Jr. stated to Mr. Milot that he did not have any issues with the review letter, but he wanted to request some waivers. Mr. Milot stated how he should submit his waiver request in writing with the revised plans. Ms. Farrell asked what waivers he was looking for. Mr. Kerbacher, Jr. stated how they were looking for a waiver to have to show all existing and man-made features within 100 feet of the project site boundary on the plan. He stated that because of adding additional items to the plan, he would like to ask for a waiver of the paper size from 24 x 36 to 30 x 42. Mr. Kerbacher, Jr. stated that based on the comments under the maintenance agreements of the review letter, there were three additional waivers they were requesting; well and driveway access because it was all the same family. Mr. Milot stated how a solicitor would typically not recommend that type of a waiver, not because of their existing situation, but the lots were going to be separate entities, which could be transferred to anybody at any time. He stated how they did not want to create future headaches. Mr. Milot stated how they did not have any issues with the paper size. He stated the extra 100 foot was a common waiver request, as long as they were showing what was necessary for the plans for the review, the extra 100 feet was unnecessary. Mr. Milot stated how they should have an alternate septic (secondary) testing area on lot one. Mr. Kerbacher, Jr. stated how they might not be able to have that done by their next submission. Mr. Milot stated how it could be a condition on the conditional approval of the plan.

Ms. Farrell stated how they should be good for the waiver request, but they will submit their official recommendations at their next planning commission meeting after their resubmission of the plans.

- **Randy Anthony – Bed & Breakfast (ZHB)**

Mr. Dellecker stated how Mr. Randy Anthony was scheduled for a zoning hearing board meeting on Tuesday, November 14th to open a bed-and-breakfast at 1690 Lower Smith Gap Road, which will be owner occupied. He stated how they actually have to drive approximately a half a mile up the driveway to get to the house and it was just west of where Whitetail Lane used to be. Mr. Dellecker stated how it looked like he was complying with all of the regulations, because he does not need a variance; he just needs a special exception.

Ms. Farrell stated about Mr. Anthony's letter of intent and how there was a statement made in the letter; "at this time, breakfast would be provided by me, the host, on a limited basis and future plans could involve a small kitchenette to be installed." She stated how she did not want to see it get stuck between a bed-and-breakfast and a short-term rental. Mr. Dellecker stated that if they would look at the short-term rental regulations, they were not owner-occupied. Ms. Farrell asked if the kitchenette would make any difference. Mr. Dellinger stated that their definition of bed-and-breakfast unit states "A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes."

Mr. Meining asked why and Air B&B was considered a short-term rental but a bed-and-breakfast was not. Mr. Dellecker stated how a bed-and-breakfast was owner-occupied. Mr. Meining asked if a bed-and-breakfast was required to pay the short-term rental permit fee. Ms. Farrell stated "no, because they were not a short-term rental". She stated how she believed that it was more responsibly managed if the owner was living at the property. Mr. Dellecker stated how they were still responsible for the County's Heads and Beds Tax. Mr. Dellinger stated how they were limited to 14 consecutive days at a bed-and-breakfast; whereas, a short-term rental was up to 30 days. Mr. Milot asked about parking and the septic system. Mr. Dellecker stated how they had adequate parking and the sewer and water facilities have to be inspected and approved by the SEO.

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Mr. Meining asked how many bedrooms it had, because if it only had one bedroom, they were only allowed two guests. He stated how the one picture has a notation that there was a potential for a pullout sofa to accommodate additional guests. Mr. Dellinger stated that he was not seeing anything about limiting the number of persons per room; but it does say there was no more than two persons allowed to be employed at the site. Ms. Farrell stated that she believed that Mr. Meining was referencing the short-term rentals. Mr. Dellecker asked if they wanted the second comment that any pullout sofa only accommodate underage children.

Ms. Farrell asked how the SEO gauges the septic system. Mr. Milot stated how they make the owner provide documentation for the septic field. He stated that if the owner was not able to provide the documentation, they will have to get a septic contractor has to inspect and evaluate the extent of the system and make sure that it was operational and large enough for the proposal. Mr. Milot stated how it could only be approved on documentation that the existing system was adequate or they would have to expand their septic system.

Mr. Dellinger asked Mr. Dellecker if a short-term rental could be in a portion of a single-family dwelling occupied by the owner. Mr. Dellecker stated how he would not be approving it, because they would have to distinct units and converted a single family into a two family versus having a space that was rented out for overnight guest as a bed-and-breakfast. Mr. Dellinger stated that the definition of a short-term rental was “granting or allowing the occupancy or possession, in or in part, of a dwelling unit or a transient use.” Mr. Dellecker stated how they have to remove the “in part” wording of the definition. Mr. Dellinger stated how other ordinances that he has been involved with, dealing with short-term rentals, the owner could rent out a portion of their house as a short-term rental unit as long as they met all of the requirements of a short-term rental. Mr. Dellecker stated how he would have an issue with two units under one roof.

Mike Takerer asked if it was not codified with limitations were they able to impose any limitations. Mr. Milot stated that in a conditional use or a special exception they were allowed limited discretionary objective limitations in the interest of public health, safety and welfare. He stated that because it was a unique request, they may feel that there were conditions associated with the request, which needed to be addressed during the course of the decision.

Ms. Farrell made the motion that the Planning Commission in their review, had no objection to the application submitted; however, they were recommending that the follow conditions be placed on any favorable consideration: 1) there be no cooking facilities in the bed-and-breakfast unit in accordance with the definition of a bed-and-breakfast & 2) designating maximum number of occupants for this bed-and-breakfast unit. Mr. Madden seconded the motion. All in favor, motion carried.

- **Emily Dodwell – Short-Term Rental (ZHB)**

Mr. Dellecker stated that Ms. Dodwell was requesting a special exception to conduct a short-term rental at the property located at 45 Covered Bridge Road. He stated how the property was located in the Village Center (V-C) zoning district. Ms. Farrell asked what was in the ordinance in regards to parking. Mr. Royer stated how there were only two parking spots in front of the house. Mr. Dellecker stated how they own property on the other side of the road as well. He stated that according to their application they have four off-street parking spaces on the same side of the street as the house. Mr. Dellinger stated that under the short-term rental ordinance, it was one off-street parking space per bedroom and one off-street parking space per anticipated day guest.

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Mr. Meining read the parking rules from the Short-Term Rental Ordinance: 1) Outdoor parking for overnight and day guests shall be limited to available parking areas on the short-term rental property, 2) In no event shall parking for short-term rental guests include spaces in any public street, right-of-way or on any lawns or vegetated areas. All parking spaces and driveway areas must consist of gravel, concrete or bituminous paving and 3) All parking shall follow the rules and regulations found in Article IX of the Lower Towamensing Township Zoning Ordinance.

Ms. Farrell questioned their septic system. Mr. Dellecker stated how they received an evaluation letter from the SEO; septic designed to allow for a six-bedroom home and 700 gallons per day in case they ever wanted to expand. Ms. Farrell asked if parking counted towards a percentage of lot coverage in the Village Center (V-C) Zoning District and what was the maximum lot coverage. Mr. Dellecker stated that the lot coverage in the V-C Zoning District for residential use was 35%. Ms. Farrell stated about any easements on the property.

Ms. Farrell made the motion that the Planning Commission in their review, had no objection to the application submitted; however, they were recommending that the follow conditions be placed on any favorable consideration: 1) A detailed site plan be submitted showing the ability to accommodate the required off street parking for the existing and future number of bedrooms and day guests. Mr. Madden seconded the motion. All in favor, motion carried.

Old Business:

- CBI – Land Development Plans – Carbon County Planning Commission Review letter

Planning Commission Business/Miscellaneous:

- Zoning Amendment Discussion

Mr. Dellinger stated how he prepared attachment #1, which were the notes and comments from the October 12, 2023 Planning Commission Meeting. He stated how he had provided some examples, samples and potential definitions. Mr. Dellinger stated how he had mentioned Palmerton Borough's criteria for Trucking Company Terminals and/or Warehouses. He stated how he had given them a copy of their ordinance. Mr. Dellinger stated about the cluster conservation subdivision and how he had provided them with a copy of the natural land trust ("Growing Greener: Conservation by Design"). He stated how Longswamp Township uses the Growing Greener: Conservation by Design as the permanent subdivision and any cookie-cutter subdivision needed to get a conditional use from the supervisors for anything over three lots.

Mr. Milot stated how he had noted two things in Mr. Dellinger's attachment memo: 1) was 5 acres big enough for warehouse development because it was only 200,000 square feet & 2) the road width of the tiny home area being the same width as a one-way or two-way street.

Mr. Dellinger stated how he has also passed out some information on food trucks. He stated how the Borough of Carlisle ordinance was part of their Zoning Ordinance and City of Lancaster was a separate ordinance, which he had provided copies of both.

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Ms. Farrell asked if detention ponds were considered part of lot coverage. Mr. Milot stated how it depended on the individual ordinance. He stated how they have the same question with ponds and swimming pools. Mr. Dellinger stated how some note that the swimming pools were not impervious but the aprons were. Mr. Milot stated that what they try to do to accommodate residents, not to hold it against them, that they note how pools were impervious for lot coverage but not impervious for storm water management. He stated how they were typically considered impervious unless the ordinance allows them not to be.

Mr. Meining stated about campgrounds compared to tiny houses. He stated how they should highlight that a campground was for camping units of the general public and it was not camping units owned by the owner of the campground. Mr. Milot stated how they have to prepare and bring their own facility; the unit should be provided by the person using the campground. Mr. Meining stated how tiny houses were frames on wheels. Ms. Farrell stated how they should not have permanent utilities hooked up. Mr. Meining read the definition of a campground - a parcel of land upon which two or more campsites are located for commercial gain, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes and where acceptable sanitary facilities are provided for each campsite or for the campground as a whole. He also read the definition of a campsite- a plot of ground within a campground intended for occupation by a recreational vehicle or tent. Mr. Milot stated about specifying in the definition that the owner of the company does not provide the unit.

Ms. Farrell stated how she was concerned with the density, because she felt that the density was too high (small lots). Mr. Dellinger stated how the criteria limited five campsites to an acre with parking; 10 campsites to an acre without parking or 20 tent sites only without parking to an acre. Mr. Takerer stated how that did not sound very dense.

Mr. Meining stated about the collection of used tires, which they could all agree upon. He stated how they should look into motor-cross parks. Ms. Farrell stated about medical marijuana facilities. Mr. Meining stated how Ampal might be looking to install solar panels at their facility. Mr. Dellinger stated how they did not have any provisions for solar farms.

Adjournment:

Ms. Farrell made a motion to adjourn the meeting at 9:42 p.m. Mr. Meining seconded the motion. All in favor, motion carried.

Respectfully submitted,

Steve Meining
Planning Commission Secretary